

year be its fiscal year for purposes of this part.

(h) *Insured depository institution*. “Insured depository institution” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(i) *NGEP*. “NGEP” means a non-governmental entity or person.

(j) *Nongovernmental entity or person*—
(1) *General*. A “nongovernmental entity or person” is any partnership, association, trust, joint venture, joint stock company, corporation, limited liability corporation, company, firm, society, other organization, or individual.

(2) *Exclusions*. A nongovernmental entity or person does not include—

(i) The United States government, a state government, a unit of local government (including a county, city, town, township, parish, village, or other general-purpose subdivision of a state) or an Indian tribe or tribal organization established under Federal, state or Indian tribal law (including the Department of Hawaiian Home Lands), or a department, agency, or instrumentality of any such entity;

(ii) A federally-chartered public corporation that receives Federal funds appropriated specifically for that corporation;

(iii) An insured depository institution or affiliate of an insured depository institution; or

(iv) An officer, director, employee, or representative (acting in his or her capacity as an officer, director, employee, or representative) of an entity listed in paragraphs (j)(2)(i) through (iii) of this section.

(k) *Party*. The term “party”. The authority citation for part 405 continues to read as follows: with respect to a covered agreement means each NGEP and each insured depository institution or affiliate that entered into the agreement.

(l) *Relevant supervisory agency*. The “relevant supervisory agency” for a covered agreement means the appropriate Federal banking agency for—

(1) Each insured depository institution (or subsidiary thereof) that is a party to the covered agreement;

(2) Each insured depository institution (or subsidiary thereof) or CRA affiliate that makes payments or loans

or provides services that are subject to the covered agreement; and

(3) Any company (other than an insured depository institution or subsidiary thereof) that is a party to the covered agreement.

(m) *Term of agreement*. An agreement that does not have a fixed termination date is considered to terminate on the last date on which any party to the agreement makes any payment or provides any loan or other resources under the agreement, unless the relevant supervisory agency for the agreement otherwise notifies each party in writing.

[66 FR 2099, Jan. 10, 2001, as amended at 66 FR 14071, Mar. 9, 2001]

PART 347—INTERNATIONAL BANKING

Subpart A—Foreign Banking and Investment by Insured State Nonmember Banks

Sec.

347.101 Authority, purpose, and scope.

347.102 Definitions.

347.103 Effect of state law on actions taken under this subpart.

347.104 Insured state nonmember bank investment in foreign organizations.

347.105 Permissible financial activities outside the United States.

347.106 Going concerns.

347.107 Joint ventures.

347.108 Portfolio investments.

347.109 Limitations on indirect investments in nonfinancial organizations.

347.110 Affiliate holdings.

347.111 Underwriting and dealing limits applicable to foreign organizations held by insured state nonmember banks.

347.112 Restrictions applicable to foreign organizations that act as futures commission merchants.

347.113 Restrictions applicable to activities by a foreign organization in the United States.

347.114 Extensions of credit to foreign organizations held by insured state nonmember banks; shares of foreign organizations held in connection with debts previously contracted.

347.115 Permissible activities for a foreign branch of an insured state nonmember bank.

347.116 Recordkeeping and supervision of the foreign activities of insured state nonmember banks.

347.117 General consent.

347.118 Expedited processing.

§ 347.101

- 347.119 Specific consent.
- 347.120 Computation of investment amounts.
- 347.121 Requirements for insured state nonmember bank to close a foreign branch.
- 347.122 Limitations applicable to the authority provided in this subpart.

Subpart B—Foreign Banks

- 347.201 Authority, purpose, and scope.
- 347.202 Definitions.
- 347.203 Deposit insurance required for all branches of foreign banks engaged in domestic retail deposit activity in the same state.
- 347.204 Commitment to be examined and provide information.
- 347.205 Record maintenance.
- 347.206 Domestic retail deposit activity requiring deposit insurance by U.S. branch of a foreign bank.
- 347.207 Disclosure of supervisory information to foreign supervisors.
- 347.208 Assessment base deductions by insured branch.
- 347.209 Pledge of assets.
- 347.210 Asset maintenance.
- 347.211 Examination of branches of foreign banks.
- 347.212 FDIC approval to conduct activities that are not permissible for federal branches.
- 347.213 Establishment or operation of noninsured foreign branch.
- 347.214 Branch established under section 5 of the International Banking Act.
- 347.215 Exemptions from deposit insurance requirement.
- 347.216 Depositor notification.

Subpart C—International Lending

- 347.301 Purpose, authority, and scope.
- 347.302 Definitions.
- 347.303 Allocated transfer risk reserve.
- 347.304 Accounting for fees on international loans.
- 347.305 Reporting and disclosure of international assets.

AUTHORITY: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 1828, 3103, 3104, 3105, 3108, 3109; Title IX, Pub. L. 98—181, 97 Stat. 1153.

SOURCE: 70 FR 17560, Apr. 6, 2005; 70 FR 20704, April 21, 2005, unless otherwise noted.

§ 347.101 Authority, purpose, and scope.

(a) This subpart is issued pursuant to section 18(d) and (l) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d), 1828(l)).

(b) The rules in subpart A address the FDIC's requirements for insured state nonmember bank investments in for-

12 CFR Ch. III (1–1–06 Edition)

eign organizations, permissible foreign financial activities, loans or extensions of credit to or for the account of foreign organizations, and the FDIC's recordkeeping, supervision, and approval requirements. The rules also address the permissible activities for foreign branches of insured state nonmember banks, as well as the FDIC's requirements for establishing, operating, relocating and closing of branches in foreign countries.

§ 347.102 Definitions.

For the purposes of this subpart:

(a) An affiliate of an insured state nonmember bank means:

(1) Any entity of which the insured state nonmember bank is a direct or indirect subsidiary or which otherwise controls the insured state nonmember bank;

(2) Any organization which is a direct or indirect subsidiary of such entity or which is otherwise controlled by such entity; or

(3) Any other organization that is a direct or indirect subsidiary of the insured state nonmember bank or is otherwise controlled by the insured state nonmember bank.

(b) Control means the ability to control in any manner the election of a majority of an organization's directors or trustees; or the ability to exercise a controlling influence over the management and policies of an organization. An insured state nonmember bank is deemed to control an organization of which it is a general partner or its affiliate is a general partner.

(c) Domestic means United States.

(d) Eligible insured state nonmember bank means an eligible depository institution as defined in § 303.2(r) of this chapter.

(e) Equity interest means any ownership interest or rights in an organization, whether through an equity security, contribution to capital, general or limited partnership interest, debt or warrants convertible into ownership interests or rights, loans providing profit participation, binding commitments to acquire any such items, or some other form of business transaction.

(f) Equity security means voting or nonvoting shares, stock, investment